

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GABRIEL HERNANDEZ,  
Petitioner,

No. C 08-4085 SI (pr)

**ORDER**

v.

PEOPLE OF THE STATE OF  
CALIFORNIA,

Respondent.

Petitioner filed a motion for stay and abeyance of these proceedings. (Docket # 15.) He did not serve a copy of his motion on respondent's counsel and instead sent an original and a copy to the court with a request that the court send a copy to respondent's counsel. This is an unacceptable practice: the court does not act as a forwarding service and petitioner must send directly to respondent's counsel a copy of every document he files at the time he files it. In this one instance, the clerk will mail the extra copy of the motion for stay and abeyance to respondent, but petitioner is cautioned not to repeat this mistake because the court will strike any document that petitioner files but does not serve on respondent's counsel. Respondent must file and serve any opposition to the motion for stay and abeyance no later than **October 19, 2009**. Petitioner must file and serve any reply brief no later than **November 6, 2009**.


Petitioner filed a separate motion for a stay of proceedings until he receives a copy of the exhibits filed with respondent's answer to the petition. The motion is DENIED because a stay is not the appropriate way to resolve this problem. (Docket # 14.) Respondent must send to

1 petitioner a copy of the exhibits he lodged with his answer no later than **November 30, 2009**.

2       Petitioner's motion for an extension of time to file his traverse is GRANTED. (Docket  
3 # 18.) The deadline for filing a traverse is vacated and will be reset after the court rules on the  
4 motion for a stay and abeyance.

5       IT IS SO ORDERED.

6 DATED: October 6, 2009

  
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SUSAN ILLSTON  
United States District Judge